

Exhibit C

ALSTON & BIRD

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March 15, 2024

VIA Email

Peter J. McAndrews
312-775-8000
500 West Madison St., 34th Floor
Chicago, IL 60661

Re: Payment Pursuant to the Final Judgment

Dear Mr. McAndrews,

Thank you for your letter. At this time, CommScope¹ cannot agree to make the payment requested for two separate reasons: (1) TQ Delta improperly includes in its calculation of pre-judgment interest sums that are beyond the six-year window from the date that TQ Delta filed its complaint; and (2) as I am sure you are aware, the notice to appeal the final judgment is due on March 18, 2024, which, if filed by either party, would result in a stay of execution of the final judgment.

Regarding TQ Delta's calculation of pre-judgment interest, 35 U.S.C. § 286 specifies that "no recovery shall be had for any infringement more than six years prior to the filing of the complaint." Despite this, TQ Delta both started the accrual of interest and calculated the 5-year Treasury Bill rate from October 1, 2008, nearly seven years early. TQ Delta did not file its complaint for infringement until August 13, 2021, meaning that pre-judgment interest should have been calculated starting from August 13, 2015.

Courts in the Eastern District of Texas have previously limited prejudgment interest to this six-year window. In *Imperium IP Holdings (Cayman), Ltd. v. Samsung Elecs. Co.*, the Court explained that "prejudgment interest cannot accrue before June 9, 2008, **which is six years before Plaintiff filed its complaint.**" 2017 U.S. Dist. LEXIS 63976 (E.D. Tex. Apr. 27, 2017) (emphasis added). Other district courts have explained the same. *See*

¹ Although this letter makes reference to CommScope, ownership of the Home Networks division of CommScope responsible for the accused products and liability associated with this case transferred to Vantiva S.A. on January 9, 2024.

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Opticurrent, LLC v. Power Integrations, Inc., 2019 U.S. Dist. LEXIS 94615, 2019 WL 2389150, at *20 (N.D. Cal. June 5, 2019) (“It would make little sense to allow interest to start accruing before damages can be imposed; the interest on zero damages would simply be zero.”); *Roblor Mktg. Group, Inc. v. GPS Indus., Inc.*, 633 F. Supp. 2d 1341, 1347 (S.D. Fla. Dec. 11, 2008) (“Plaintiff would be entitled to seek monetary damages, including prejudgment interest, for the entire past period of infringement not excluded by the six year statutory bar under 35 U.S.C. § 286.”). Moreover, TQ Delta uses an incorrect interest rate given the above case law; TQ Delta applied a 2.81% rate from 2008, but the rate on August 13, 2015 was 1.58%.

Thus, your proposed amount is incorrect. TQ Delta improperly calculated the value of its award counting prejudgment interest as \$16.70M, when the appropriate award counting prejudgment interest should be \$12.54M. Enclosed with this letter is the excel spreadsheet you attached in your prior correspondence, with the start date and 5-year Treasury Bill rate appropriately adjusted as required by law.

In any event, TQ Delta’s request for payment by March 18, 2024 is premature. March 18, 2024 is the deadline for filing a notice of appeal in this case. Should either TQ Delta or CommScope file such a notice, execution of judgment will almost certainly be stayed. CommScope is thus willing to further discuss payment once all appeals are final.

Sincerely,

Ross R. Barton

RRB:dkc

TQ DELTA JUDGMENT AND INTEREST CALCULATIONS

[Pre-judgment Interest calculated using 5 Yr T-Bill Yield at start of infringement and Post-trial Interest calculated using weekly average 1-year constant maturity Treasury yield per 28 USC § 1961.](#)

"TQ Delta ... shall accordingly have and recover from CommScope the sum of \$11,125,000.00 U.S. Dollars ..., to be paid in a one-time lump sum." Dkt. 513 at 2. "[T]he Court awards to TQ Delta from CommScope pre-judgment interest applicable to all sums awarded herein, calculated at the 5-year U.S. Treasury Bill rate, compounded quarterly, from the date of infringement through the date of entry of this Judgment." *Id.* at 3. "Pursuant to 28 U.S.C. § 1961, the Court awards to TQ Delta from CommScope post-judgment interest applicable to all sums awarded herein, at the statutory rate, from the date of entry of this Judgment until paid. *Id.* "TQ Delta shall recover from Defendants ... costs in the amount of \$246,208.25." Dkt. 535

INPUTS															
Dollar Amount	\$	11,125,000	<table><tr><td>Value on 5/2/2023</td><td>\$</td><td>12,539,071</td></tr><tr><td>Value on 3/18/2024</td><td>\$</td><td>13,310,592</td></tr></table>							Value on 5/2/2023	\$	12,539,071	Value on 3/18/2024	\$	13,310,592
Value on 5/2/2023	\$	12,539,071													
Value on 3/18/2024	\$	13,310,592													
Start Date		8/13/2015													
Start Quarter (1,2,3,4)		4													
Quarter to Start Accrual		10/1/2015													
PRE-JUDGMENT INTEREST															
Quarter	Start Date	5Yr Tbill Yield	BOP Balance		Start Amount		Quarterly Interest		EOP Balance						
	10/1/2008	1.58%	\$	-	\$	-	\$	-	\$						
	1/1/2009	1.58%	\$	-	\$	-	\$	-	\$						
	4/1/2009	1.58%	\$	-	\$	-	\$	-	\$						
	7/1/2009	1.58%	\$	-	\$	-	\$	-	\$						
	10/1/2009	1.58%	\$	-	\$	-	\$	-	\$						
	1/1/2010	1.58%	\$	-	\$	-	\$	-	\$						
	4/1/2010	1.58%	\$	-	\$	-	\$	-	\$						
	7/1/2010	1.58%	\$	-	\$	-	\$	-	\$						
	10/1/2010	1.58%	\$	-	\$	-	\$	-	\$						
	1/1/2011	1.58%	\$	-	\$	-	\$	-	\$						
	4/1/2011	1.58%	\$	-	\$	-	\$	-	\$						
	7/1/2011	1.58%	\$	-	\$	-	\$	-	\$						
	10/1/2011	1.58%	\$	-	\$	-	\$	-	\$						
	1/1/2012	1.58%	\$	-	\$	-	\$	-	\$						
	4/1/2012	1.58%	\$	-	\$	-	\$	-	\$						
	7/1/2012	1.58%	\$	-	\$	-	\$	-	\$						
	10/1/2012	1.58%	\$	-	\$	-	\$	-	\$						
	1/1/2013	1.58%	\$	-	\$	-	\$	-	\$						
	4/1/2013	1.58%	\$	-	\$	-	\$	-	\$						
	7/1/2013	1.58%	\$	-	\$	-	\$	-	\$						
	10/1/2013	1.58%	\$	-	\$	-	\$	-	\$						
	1/1/2014	1.58%	\$	-	\$	-	\$	-	\$						
	4/1/2014	1.58%	\$	-	\$	-	\$	-	\$						
	7/1/2014	1.58%	\$	-	\$	-	\$	-	\$						
	10/1/2014	1.58%	\$	-	\$	-	\$	-	\$						
	1/1/2015	1.58%	\$	-	\$	-	\$	-	\$						
	4/1/2015	1.58%	\$	-	\$	-	\$	-	\$						
	7/1/2015	1.58%	\$	-	\$	-	\$	-	\$						
	10/1/2015	1.58%	\$	-	\$	11,125,000	\$	43,944	\$						
	1/1/2016	1.58%	\$	11,168,944	\$	-	\$	44,117	\$						
	4/1/2016	1.58%	\$	11,213,061	\$	-	\$	44,292	\$						
	7/1/2016	1.58%	\$	11,257,353	\$	-	\$	44,467	\$						
	10/1/2016	1.58%	\$	11,301,819	\$	-	\$	44,642	\$						
	1/1/2017	1.58%	\$	11,346,461	\$	-	\$	44,819	\$						
	4/1/2017	1.58%	\$	11,391,280	\$	-	\$	44,996	\$						
	7/1/2017	1.58%	\$	11,436,275	\$	-	\$	45,173	\$						
	10/1/2017	1.58%	\$	11,481,449	\$	-	\$	45,352	\$						
	1/1/2018	1.58%	\$	11,526,800	\$	-	\$	45,531	\$						
	4/1/2018	1.58%	\$	11,572,331	\$	-	\$	45,711	\$						
	7/1/2018	1.58%	\$	11,618,042	\$	-	\$	45,891	\$						
	10/1/2018	1.58%	\$	11,663,933	\$	-	\$	46,073	\$						
	1/1/2019	1.58%	\$	11,710,006	\$	-	\$	46,255	\$						
	4/1/2019	1.58%	\$	11,756,260	\$	-	\$	46,437	\$						
	7/1/2019	1.58%	\$	11,802,698	\$	-	\$	46,621	\$						
	10/1/2019	1.58%	\$	11,849,318	\$	-	\$	46,805	\$						
	1/1/2020	1.58%	\$	11,896,123	\$	-	\$	46,990	\$						
	4/1/2020	1.58%	\$	11,943,113	\$	-	\$	47,175	\$						
	7/1/2020	1.58%	\$	11,990,288	\$	-	\$	47,362	\$						
	10/1/2020	1.58%	\$	12,037,650	\$	-	\$	47,549	\$						
	1/1/2021	1.58%	\$	12,085,198	\$	-	\$	47,737	\$						
	4/1/2021	1.58%	\$	12,132,935	\$	-	\$	47,925	\$						
	7/1/2021	1.58%	\$	12,180,860	\$	-	\$	48,114	\$						
	10/1/2021	1.58%	\$	12,228,974	\$	-	\$	48,304	\$						
	1/1/2022	1.58%	\$	12,277,279	\$	-	\$	48,495	\$						
	4/1/2022	1.58%	\$	12,325,774	\$	-	\$	48,687	\$						
	7/1/2022	1.58%	\$	12,374,461	\$	-	\$	48,879	\$						
	10/1/2022	1.58%	\$	12,423,340	\$	-	\$	49,072	\$						
	1/1/2023	1.58%	\$	12,472,412	\$	-	\$	49,266	\$						
	Through 5/2/2023	1.58%	\$	12,521,678	\$	-	\$	17,393	\$						
BILL OF COSTS AWARD								\$	246,208.25						
POST-JUDGMENT INTEREST															
	Through 3/18/2024	4.72%	\$	12,785,279	\$	-	\$	525,313	\$						
	5/3/2024	4.72%	\$	12,785,279	\$	-	\$	602,954	\$						
	5/3/2025	4.72%	\$	13,388,233	\$	-	\$	631,389	\$						